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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OFFICE OF SECRETARY

In the Matter of)
)
Administration of the)
North American Numbering Plan)

CC Docket No. 92-237
Phases One and Two

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS'
INITIAL COMMENTS

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NARUC's June 7 1994 Initial Comments

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NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS
INITIAL COMMENTS

Pursuant to Sections 1.41, 1.49, and 1.401 of the Federal Communications Commission's ("FCC" or "Commission") Rules of Practice and Procedure, 47 C.F.R. Sections 1.41, 1.49, and 1.401 (1993), the National Association of Regulatory Utility Commissioners ("NARUC") respectfully files these comments in response to the FCC's March 4, 1994, Notice of Proposed Rulemaking ("NPRM") issued April 4, 1994 in the above captioned proceeding. (FCC 94-79):

I. INTEREST OF NARUC

NARUC is a quasi-governmental nonprofit organization founded in 1889. Members include those governmental bodies responsible for regulating carriers and utilities in all fifty States, the District of Columbia, Puerto Rico, and the Virgin Islands. NARUC's mission is to improve the quality and effectiveness of public utility regulation in America. Specifically, NARUC is composed of, inter alia, State and territorial officials charged with regulating telecommunications common carriers within their respective borders.

These officials have the obligation to assure that communications services and facilities required by the public convenience and necessity are established, and that service is furnished at just and reasonable rates.

The serious and unresolved issues concerning the current North American Numbering Plan's ("NANP") future implementation will, if left unresolved, seriously impact upon NARUC members' ability to adhere to their respective mandates to serve the public interest.

II. BACKGROUND

Bell Communications Research Corporation ("Bellcore" or "NANPA") is the administrator of the NANP. The pending exhaustion of a number of the codes, including the NPA codes, and CIC codes, is causing the communications industry to spend millions of dollars to devise and eventually implement the chosen solutions. The financial burden of administering the NANP and making hardware and software changes throughout the industry to accommodate changes in the NANP ultimately falls on business and residential ratepayers.

As detailed in NARUC's earlier filings in this docket, aside from the ultimate impact on ratepayers, there are numerous other critical issues concerning the NANPA requiring regulators' interest.

On September 21, 1991, NARUC asked the FCC to initiate a Notice of Inquiry on the many issues surrounding NANP administration. In response, on October 29, 1992, the FCC issued an NOI. Phase one of the NOI focused on who should administer the NANP, the numbering scheme for PCS, and local number portability.

Phase two of the NOI focused on the future development of Carrier Identification Codes ("CIC"). Ultimately, these proceedings culminated in the April NPRM.

In the April NPRM, the FCC discusses each phase in a separate section. In Section II, which addresses Phase One, the NPRM tentatively concludes that ministerial administration of the NANP should be undertaken by a single, non-government entity and seeks comment on whether a new board should be created to assist in establishing numbering policy and resolving disputes, subject to oversight by the Commission and other regulators. The NPRM also tentatively concludes that the FCC should impose fees to recover the costs of regulating numbering resources and seeks comment on whether the FCC, in tandem with other World Zone 1 regulators, should impose mandatory number charges to finance international administration. In Section III, which discusses issues raised in Phase Two, the FCC tentatively concludes that it should establish a transition period of six years for the expansion of FGD CICs to a four digit format. They also seek comment on whether LECs in equal access areas should be required to deliver interstate, intraLATA "1+" Message Telephone Service calls to the carrier preselected by the end user. Additional issues are raised in the NPRM.

NARUC has not yet taken a position on most of the issues raised by the NPRM. However, pending possible action at our summer 1994 meetings, our resolutions do suggest the following:

III. DISCUSSION

- A. NARUC generally supports the FCC's tentative conclusion to move administrative responsibilities from BellCore.**

In ¶ of the NPRM, mimeo at 7, the FCC "tentatively conclude[s] that NANP administrative functions would best be performed by a single, non-government entity established by this Commission and, therefore, subject to our oversight but also separate from this Commission and not closely identified with any particular industry segment."

As already mentioned in comments filed in the NOI comment cycle, in a November 1992 resolution, NARUC took the position that the future administration of the NANP should be transferred to a neutral third party. Specifically, in those initial December 1992 comments, we noted that "although Bellcore has done an excellent job as administrator, because of the inherent and emerging conflict of interest posed by the need for numbering resources by Bellcore's owners and their competitors, evaluation of alternative methods of administration is needed. NARUC recommends that the future administration of the NANP be transferred to a neutral third party."

- B. To the extent the FCC determines to establish a new policy board, past NARUC resolutions suggest that State Commission representation on such a board is appropriate. NARUC's counsel may provide clarification on this issue after the July 1994 NARUC summer committee meetings.**

In ¶ 25 of the NPRM, mimeo at 9, the FCC suggests establishment of a "policy board" and seeks comment on the appropriate composition of such a board including, inter alia, state government regulators. NARUC has not taken a specific position on this proposal.

However, several past NARUC resolutions, which clearly indicate the States' strong interest in numbering issues, suggest inclusion of a State Commission representative is appropriate. As implied earlier, NARUC's counsel will be seeking direction on this and other issues raised by the NPRM from the organization during the summer meetings held in July 1994. To the extent such direction is provided, NARUC will be making an ex parte filing shortly thereafter.

C. Any funding mechanism should be based upon some fair allocation of costs to Users.

The financial burden of administering the NANP and making hardware and software changes throughout the industry to accommodate changes in the NANP ultimately flows to the ratepayers. In the NPRM, mimeo at 10-13, ¶¶30-38, the FCC discussion potential funding mechanisms for the NANPA.

NARUC contends that funding for NANPA should be based upon some fair allocations of costs to those using the resources. The allocation of costs should be based upon several factors including the proportion of the resource used, the scarcity of the numbers involved, and the potential value of any commercial use.

D. NARUC's Dialing Plan resolution, which is directed to NARUC members, "endorses the minimum standard dialing plan of Prefix '1' + Area Code + Central Office Code on a permissive basis, as an 'overlay' to existing State dialing plans".

The NPRM, in ¶¶43-45, mimeo at 15, specifically references a request to impose a standard, nationally uniform dialing pattern that would use the digit "1" as the toll indicator and asks for information to assist it deciding whether to proceed.

As the FCC correctly notes in the NPRM, local dialing plans have traditionally been the focus of state authorities and "...most, if not all, affected states have already conducted proceedings to consider their particular choice of dialing options. The ... (NARUC) ... has also endorsed a minimum standard dialing plan."

For informational purposes, we have attached a copy of the NARUC resolution to this pleading as appendix A. The resolution, which is directed to NARUC members, encourages all states to adopt Prefix '1' + Area Code + Central Office Code as the minimum standard dialing plan within their State jurisdictions.

IV. CONCLUSION:

NARUC respectfully requests that the FCC carefully consider and implement the suggestions discussed above.

Respectfully submitted,



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APPENDIX A

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONER'S

MARCH 1994

RESOLUTION CONCERNING A MINIMUM STANDARD DIALING PLAN

Resolution Concerning a Minimum Standard Dialing Plan

WHEREAS, The Bell Communications Research Corporation (Bellcore) was created as a result of the Modified Final Judgement between AT&T and the United States Department of Justice; and

WHEREAS, The Plan of Reorganization stipulated that Bellcore should be the administrator of the North American Numbering Plan for the telephone industry; and

WHEREAS, Due to the rapid exhaust of the supply of Number Plan Area (NPA) codes, Bellcore is planning to implement, on January 1, 1995, an interchangeable Number Plan Area (INPA) code format, i.e., allowing the use of any number between 0 and 9 as the middle digit of an area code; and

WHEREAS, When interchangeable NPAs are introduced, switching systems will not be able to distinguish between 7- and 10-digit addresses by examining the first three digits of the telephone number dialed; and

WHEREAS, The Bellcore recommended dialing plan under INPA for those locations without Step-by-Step equipment is that all calls within the Home Numbering Plan Area (HNPA), whether local or toll, be dialed on a 7-digit basis, and some States are considering a HNPA 11-digit toll call dialing requirement; and

WHEREAS, On May 26, 1993, the Ad Hoc Telecommunications Users Committee (Ad Hoc) filed a request for a rulemaking to adopt an alternative dialing plan to the Bellcore proposal to eliminate the use of the prefix '1' as a toll call identifier as part of its implementation of INPA; and

WHEREAS, The Ad Hoc recommended dialing plan shown below:

Local call, Home NPA7-digitsNXX-XXXX
Local call, Foreign NPA10-digitsFNPA-NXX-XXXX
Toll call, Home NPA11-digits1+HNPA-NXX-XXXX
Toll call, Foreign NPA11-digits1+FNPA-NXX-XXXX

retains the prefix '1' as a toll call identifier, which gives the consumer a clear indication when a call will be billed as a toll call; and

WHEREAS, States have historically been involved in the implementation of local dialing plans; and

WHEREAS, A uniform nationwide dialing plan will assist States in dealing with the shortage of available numbering resources and the impending implementation of INPA codes; and

WHEREAS, Uniformity of dialing plans across jurisdictions is desirable given the increasing mobile nature of our society; and

WHEREAS, On July 27, 1993, the National Association of Regulatory Utility Commissioners (NARUC) Committee on Communications adopted a Communications Subcommittee proposal to establish a work group of interested staff to review existing and proposed dialing plans to determine their workability and to develop a draft position on the feasibility of adopting a uniform nationwide dialing plan; and

WHEREAS, The work group has developed a draft position supporting adoption of a **minimum standard dialing plan** of Prefix '1' + Area Code + Central Office Code that should be established on a permissive basis in each State as an 'overlay' to existing dialing plans; and

WHEREAS, The draft position recommends that the local exchange company should route the call to an explanatory announcement about the applicable dialing procedures for a particular location, if the minimum standard dialing plan cannot be used in that location; now, therefore, be it

RESOLVED, That the Executive Committee of the NARUC, convened at its 1994 Winter Meeting in Washington, D.C., endorses the **minimum standard dialing plan** of Prefix '1' + Area Code + Central Office Code on a permissive basis, as an 'overlay' to existing State dialing plans; and be it further

RESOLVED, That, if the minimum standard dialing plan is not workable in a particular location, the local exchange company should route the call to an explanatory announcement about the applicable dialing procedures for that location; and be it further

RESOLVED, That all NARUC members are encouraged to adopt Prefix '1' + Area Code + Central Office Code as the minimum standard dialing plan within their State jurisdictions; and be it further

RESOLVED, That, in addition to the **minimum standard dialing plan**, all NARUC members are strongly urged to adopt a dialing plan, such as using the Prefix '1' as a toll indicator, within their State jurisdictions that gives the consumer the information to easily determine when a call will be billed as a toll call; and be it further

RESOLVED, That the NARUC General Counsel shall file papers and other documents supporting the policies of this resolution in the appropriate forums to further this recommendation.

Sponsored by the Committee on Communications

NATIONAL ASSOCIATION OF
REGULATORY UTILITY COMMISSIONERS
PETITION FOR NOTICE OF INQUIRY ADDRESSING ADMINISTRATION OF THE
NORTH AMERICAN NUMBERING PLAN

In the Matter of Administration of the
North American Numbering Plan

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CERTIFICATE OF SERVICE

I, JAMES BRADFORD RAMSAY, certify that a copy of the foregoing
was served on all parties on the attached Service List.



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June 7, 1994

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